

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:96-CR-00006-5-GCM**

**UNITED STATES OF AMERICA, et al.**

RHYNES, et al.

## ORDER

THIS MATTER is before the court upon Defendant Purvis H. Gormley's Motion for Resentencing filed February 18, 2010. On June 29, 2009, this Court granted Defendant's Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582(c)(2). (Doc. 673). Defendant's current request to be resentenced is founded on the same basis as his earlier reduction, namely, the inequity of "the disparity in penalties" between crack and powder cocaine crimes. (Doc. 676, 1). Because Defendant has already received a reduction in his sentence based upon this factor, this Court does not have the authority to grant Defendant's motion. *See U.S. v. Duffy*, 2009 WL 2245694(W.D.N.C.)(rejecting Defendant's request to be resentenced using a 1-to-1 ratio for crack and cocaine because petitioner had already been properly sentenced and had raised no grounds under which the Court could revisit the sentence).

IT IS THEREFORE ORDERED that defendant's motion is hereby DENIED.

Signed: June 16, 2010



Graham C. Mullen

Graham C. Mullen  
United States District Judge

